

LOWER PAXTON TOWNSHIP  
BOARD OF SUPERVISORS

Minutes of Board Meeting held March 4, 2003

A regular meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:34 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township at Municipal Building, 75 South Houcks Road, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also present were George Wolfe, Township Manager; Steven A. Stine, Township Solicitor; and Lori Wissler, Planning and Zoning Officer.

**Pledge of Allegiance**

Mr. Blain led the Pledge of Allegiance.

**Approval of Minutes of December 2, 2002 & February 4 and 11, 2003**

Mr. Crissman made a motion to approve the minutes of the December 2, 2002 special meeting, the February 4, 2003 business meeting, and February 11, 2003 workshop meeting as presented. Mr. Blain seconded the motion and a unanimous vote followed.

**Public Comment**

There were no comments.

**Chairman and Board Members' Comments**

There were no comments.

**Manager's Report on Township Activities**

Mr. Wolfe explained briefly the new requirements under the Pennsylvania Vehicle Code for road construction areas in the Township. Under the new law, all work zones must

be posted with a unique light, such as a strobe light, alerting motorist that construction is in progress. This light must be activated only when work is ongoing, at the beginning of the work area, to indicate that workers are present. In addition, signs indicating that fines double in a work zone must be visible, as well as signs alerting motorist to turn their headlights on in all active work zones. He noted that these requirements apply to federal, state and local roads construction projects, as well as contractors, public works departments, and PENNDOT.

Mr. Wolfe gave a brief Key Indicator Report for the end of the 2002 fiscal year by means of a Power Point Presentation. He noted that he presented his first Key Indicator Report to the Board of Supervisors in the second quarter of 2002.

Mr. Wolfe reported on the General Fund and the related funds that operate through the General Fund. He noted that the related funds are the Liquid Fuels, or State Aid Fund to the Township's roadway system, the Fire Equipment Capital Fund, and the General Improvement Fund for capital improvements funded through the General Fund. The 2002 General Fund was approximately \$14,985,000.00, with revenues for the year at \$12,442,000.00, and expenditures at \$11,241,000.00. Neither fund approached the projected \$15 million level due to capital projects, and how they were funded in the Township. The Board of Supervisors budgeted approximately \$3 million for capital improvements from the General Fund to the General Improvement Fund.

Mr. Wolfe explained that the General Fund revenues' primary source of revenue is from the Earned Income Tax. The Township received in excess of \$5 million for general fund operations from the Earned Income Tax. The second largest source of income is from the Real Estate Tax, which is a little over \$2 million. The remaining nine or ten revenue sources each account for less than \$1 million dollars each. No transfers were made from the

General Fund to the General Improvement Fund. Mr. Wolfe noted that the largest expenditure is for the Police Department, which is in excess of \$3 million. The Public Works Department exceeds \$2 million in expenditures, with the Parks and Recreation Department and Sewer Department each having \$1million in expenditures. Several other areas include the Community Development Department, Health Department, fire and ambulance Services, general government operations, and employee benefits. He noted that the significant area of expenditures is spent on providing services to the citizens of the Township.

Mr. Wolfe explained that the Board of Supervisors established the Fire Equipment Capital Fund in 1995 for the funding of nine primary fire fighting apparatus. He noted that The Township purchased three units of apparatus for each fire company. In 1995, the Board of Supervisors contributed \$250,000 on a yearly basis to fund the Fire Equipment Capital Fund, and the Board purchased \$2.5 million in fire fighting equipment. The fund has a minor deficit of \$350,000 to the General Fund, and this debt is to be paid off over a number of years. As a result, the Board of Supervisors continues to contribute money on an annual basis to the Fire Equipment Capital Fund.

Mr. Wolfe noted that the General Improvement Fund shows a spike in revenues due to the issuance of the \$6 million bond. He noted that this is a multi-year fund in that projects contained in this fund are large capital projects that are completed over several years. Mr. Wolfe noted that the General Improvement Fund is the source of revenue for the purchase and rehabilitation of the AMP building at 425 Prince Street, which will become the new municipal building. The Township purchased the building for \$1.4 million last year, and rehabilitation is estimated to cost \$2.5 million. The projected date of competition is

tentatively scheduled for January 2004, with the existing building to be sold for an estimated value in excess of \$1million.

Mr. Wolfe noted that the development of AMP Park is another project in the General Improvement Fund. AMP donated 27 acres of land, west of Nyes Road and south of Old Jonestown Road, and the Board of Supervisors purchased an additional 11 acres abutting that land in 2001 and is in the process of designing and improving the area currently named AMP Park.

Mr. Wolfe explained that the General Improvement Fund also funds the Village of Linglestown Action Plan Improvement. The Township received \$700,000 from the Dauphin County Commissioners to fund this project, and the estimated construction costs are \$3 million.

Mr. Wolfe noted that there are several lesser projects included in the General Improvement Funds, which include the Comprehensive Plan, a new salt storage facility, traffic signal coordination and installation of new traffic signals.

### **Old Business**

There was no old business.

### **New Business**

Ordinance 03-03: Amending the Police Pension Plan to comply with PA Act 30 of 2002 and to include the EGTTRA rollover language as required by federal law.

Mr. Hawk explained that this is required by federal law, and must be part of a public hearing.

Mr. Stine stated that this was the time and date set for the public hearing on Ordinance 2003-03, amending the Police Pension Plan to comply with PA Act 30 of 2002 and to include the EGTTRA rollover language as required by federal law. Since, there was

no one present that desired to make public comment, Mr. Stine stated that it would be in order to close the public hearing, and the Board may take action on Ordinance 2003-03.

Mr. Seeds questioned Mr. Stine if he had reviewed the Plan. Mr. Stine replied that he did.

Mr. Seeds questioned if the effective date on page one should read January 1, 2003 instead of 2002. Mr. Wolfe answered that the date was correct since the federal regulation requires that the benefit be retroactive to January 1, 2002. Mr. Hawk noted that the change is needed as a result of the Legislature passing Act 30 of 2002.

Mr. Crissman made a motion to accept Ordinance 2003-03, amending the Police Pension Plan to comply with PA Act 30 of 2002, and to include the EGTTRA rollover language as required by federal law. Mr. Blain seconded the motion.

The Supervisors were polled as follows: Mr. Blain – aye, Mr. Crissman – aye, Mr. Hornung – aye, Mr. Seeds – aye, Mr. Hawk – aye.

### **Subdivision and Land Development**

#### **Request from New Hope Brethren in Christ Church for waiver of the requirement to post an improvement guarantee prior to plan recording.**

Ms. Wissler stated that the Board of Supervisors approved this plan in September 2001, noting that one of the conditions for approval was the establishment of an improvement guarantee for the proposed site. She explained that the church is purchasing the land from Shade's Nursery, which cannot be done until the plan is recorded. In order to record the plan, all conditions of the plan must be completed. She noted that the church is requesting a deferral from posting an improvement guarantee since construction will not take place until the year 2005. Ms. Wissler noted that it is the opinion of Staff that this not

be granted since it would set a precedent, and she explained that the posting of the improvement guarantee is a requirement of the Pennsylvania Municipal Planning Code.

Mr. Brett Sapen, from Skelly and Loy, was present to represent New Hope Brethren in Christ Church.

Mr. Hawk questioned if by approving the request for waiver, would make the Township responsible for completing the improvements if the church did not complete them. Ms. Wissler answered that that was correct.

Mr. Seeds noted that the Township would be in violation of the Pennsylvania Municipalities Planning Code if the Township would approve the request.

Mr. Sapen noted that the request was not to waive the bond amount, but to defer the posting of the bond prior to the start of construction. He noted that the construction date was delayed due to unforeseen problems.

Mr. Stine explained that the Township cannot record the plan until either the improvement guarantee is posted, or all the improvements have been made. He noted that once the plan is recorded, if the church would not complete the project, the Township would be responsible to complete the improvements with Township funds.

Mr. Sapen questioned what improvements would the Township need to complete. Mr. Stine answered that there are off-site improvements to widen the road. He noted that Shade's Nursery could force the Township to comply with the off-site improvements listed on the plan.

Mr. Sapen explained that Shade's Nursery wished to sell the property to the Church, but the Church cannot purchase the property until the plan is recorded. He explained that the Church does not have the land to use for collateral to purchase a bond. Mr. Stine suggested that the Church could get a line of credit from a bank.

Mr. Stine questioned what the total costs of improvements were. Mr. Saper noted that the estimate is for \$77,253.00. He explained that the costs for off-site improvements to cover the road widening and installation of a fire hydrant are estimated at \$10,475.00

Mr. Stine questioned if the Church had approached a surety company to post the bond. Mr. Saper noted that they would not issue a bond without collateral. Currently, the congregation meets at the Linglestown Junior High School, and they own no property. Mr. Saper noted that the majority of the improvement costs are for on-site improvements.

Mr. Seeds questioned why the Church could not purchase the property until the drawings are recorded. Mr. Stine answered that the lot does not exist since it is part of a subdivision plan, explaining that the plan must be recorded to create the lot.

Mr. Saper explained that the Church is purchasing 15 of the 28 acres from Shade's Nursery. He noted that the Church did not want to go through the expense of a subdivision plan, with a chance that it may not get approval for the land development plan. Mr. Stine explained that if the subdivision plan was completed without a land development plan, then no improvements would be required; therefore no improvement guarantee would be needed.

Mr. Saper noted that the congregation has a concern that they could purchase the land, and not be able to develop the property the way they wanted to. Mr. Hawk noted that the congregation's request violates the Pennsylvania Municipalities Planning Code and would subject the Township to liability, and opens up a Pandora's box to create a situation where other land developers would want to have the same treatment. He noted that this would not be appropriate for the Board of Supervisors to do.

Mr. Hornung explained that if Mr. Saper's plan meets all the ordinances with reasonable waivers, then it should be approved without any problems. Mr. Saper noted that

there was a change in the maximum amount of impervious coverage allowed at the time the final subdivision and land development plans were submitted.

Mr. Seeds noted that the Board would like to help the Church, but that their hands are tied, and unable to do so. Mr. Hawk agreed with Mr. Seed's comments.

Mr. Hornung explained if the Board of Supervisors voted to violate the Pennsylvania Municipalities Planning Code it would make the Township and the Supervisors liable to pay the \$77,253 to make the necessary improvements. Mr. Hornung noted that the Supervisors could not violate the Pennsylvania Municipalities Planning Code after being advised by the Township Solicitor that it would be wrong to do so.

Mr. Hornung suggested that the Church present the land development plan to the Board of Supervisors at a workshop session.

Mr. Stine suggested that the congregation file the land development and subdivision plans simultaneously, and then they would know that the ordinances in place at this time are the ordinances the Church would be held to. Mr. Wolfe noted that the two approved plans could be filed simultaneously, but questioned if the cost would be in excess of the cost of a bond for \$77,000. Mr. Hornung noted that a bank would not post a bond without collateral. Mr. Stine suggested that a personal guarantee might suffice for collateral.

Mr. Saper questioned if the improvement guarantee must include all the items. Mr. Hawk noted that it would.

Mr. Hawk noted that the Township does not need to take any action on this request, and as a result the Board of Supervisors agreed not to take any action on the request.

#### Improvement Guarantees

Mr. Hawk stated that the Board of Supervisors should take action on the following improvement guarantees:



Hearthside East

William and Susannah Rothman have requested a new escrow account to be established for \$241,668,90 with an expiration date of March 4, 2004.

Talbott Beverage Distributor

Charles Talbott has requested a new letter of credit with Mid Penn Bank to be established for \$56,632.68 with an expiration date of February 28, 2004.

Mr. Blain made a motion to approve the improvement guarantees as presented. The motion was seconded by Mr. Crissman and passed unanimously.

**Payment of Bills**

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and the bills of the Lower Paxton Township Authority.

Mr. Crissman seconded the motion, and the motion passed unanimously.

**Announcements**

There were no announcements.

**Adjournment**

Mr. Crissman made a motion to adjourn. The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Maureen Heberle

Approved by,

Gary A. Crissman  
Township Secretary